

Great Britain
K

(2)

Anno Regni

GEORGI II.

R E G I S

Magnæ Britanniae, Franciæ, & Hiberniæ,
VICESIMO SEXTO.

At the Parliament begun and holden
at *Westminster*, the Tenth Day of *November*, *Anno Dom.* 1747, in the Twenty
first Year of the Reign of our Sovereign
Lord *GEORGE* the Second, by the
Grace of God, of *Great Britain, France,*
and *Ireland*, King, Defender of the
Faith, &c.

And from thence continued by several Prorogations
to the Eleventh Day of *January*, 1753. being
the Sixth Session of this present Parliament.



L O N D O N :

Printed by *Thomas Baskett*, Printer to the King's
most Excellent Majesty; and by the Assigns of
Robert Baskett. 1753.

1000000000

GEORGE II

And we have

GEORGE II Regis

By Appointment

For the

High

Church

of

England

and

Wales

and

the

City

of

London

and

the

Anno vicesimo sexto

GEORGII II. Regis.

An Act for widening and repairing the High Road, leading from Northallerton to the South Wall of the Church-yard of the Town of Thirsk, and from the South East End of the Street called Finkell-street, in Thirsk aforesaid, to and through the Town of Easingwold in the County of York, to a Place called Burton Stone, near the City of York; and also the Road from Thirsk aforesaid, to Topcliffe, in the North Riding of the County of York.

A 2

Whereas

Preamble.

Whereas the High Road leading from *Northallerton* to the South Wall of the Church-yard of the Town of *Thirsk*, and from the South East End of the Street called *Finkill-street* in *Thirsk* aforesaid, to and through the Town of *Easingwold* in the County of *York*, to a Place called *Burton Stone*, near the City of *York*; and also the Road from *Thirsk* aforesaid to *Topcliff* in the North Riding of the County of *York*, are in many Parts so bad, ruinous, narrow, foundrous, and in Decay, that it is impracticable for Travellers with Carts, Carriages, and Coaches to pass and travel thereon without great Danger; and the said Roads cannot by the ordinary Course provided by the Laws for repairing the Highways of this Kingdom, be effectually amended and kept in good Repair, unless some Provision be made by Parliament for raising Money, to be applied for that Purpose;

Purpose; ~~May~~ it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Lord Viscount *Fairfax* in the Kingdom of *Ireland*, the Right Honourable *Henry* Lord Viscount *Downe* in the Kingdom of *Ireland*, the Right Honourable *George* Lord Viscount *Castlemore* in the Kingdom of *Ireland*, the Right Honourable *Sir Conyers Darcy* Knight of the *Bath*, the Honourable *Christopher Dawney*, *Sir Ralph Milbank*, *Sir Griffith Boynton*, *Sir Brian Stapylton*, *Sir Charles Hotham*, *Sir Tancred Robinson*, *Sir William St. Quintin*, *Sir Marmaduke Wyvill*, *Sir Edmund Anderson*, *Sir Reginald Graham*, *Sir Digby Legard*, *Sir Cecil Wray*, *Sir Robert Eden*,

Trustees
Names.

Sir George Dalston, Sir George Cayley, Sir Henry Frankland, Sir William Faulis, Sir William Pen-nyman, Sir Henry Slingsby, Sir John Ingleby, Sir John Goodricke, Baronets; the Honourable Richard Arundell Esquire, William Aislaby, William Aislaby junior, George Allen, Esquires; Francis Boynton, George Bowes, Francis Best, John Boucbier, Godfrey Bosville, Slingsby Bethell, James Barnard, Robert Belt, Hugh Bethell of Rice, Ralph Bell senior, Ralph Bell junior, Peter Bell, Leonard Bower, Simon Butterwick, Roger Beckwith, Joseph Buxton, Thomas Barstow, Mountague Brooke, George Baker, William Bowes, Thomas Barton, Henry Bower, Robert Bower, William Baynes, Richard Baine, Esquires; Leonard Bower, James Boyes, Thomas Becket, John Bell, Daniel Belt, Walter Baldock, John Benson, Gentlemen; the Reverend Doctor Blackburn Arch-
 8 deacon

deacon of *Cleveland*, the Reverend
 Mr. *John Branford*, *Stephen Croft*,
Nathaniel Cholmley, *Peter Con-*
sett, *Cornelius Cayley*, *William*
Comber, *William Chaloner*, *John*
Chaloner, *Christopher Crowe*, *Tho-*
mas Crossfield, *Foster Caar*, *Francis*
Cholmley, *Sheldon Craddock*, *Hugh*
Cholmley, *Thomas Condon*, *Wil-*
liam Constable, Esquires; *Ralph*
Close, *James Close senior*, *Ed-*
ward Carter, *Thomas Cass*, *Tho-*
mas Cust, *Thomas Cordley*, Gen-
 tlemen; the Reverend *Charles*
Cowper, *John Cayley*, the Reve-
 rend *Henry Cooke*, the Reverend
John Coates, Clerks; *Henry Brew-*
ster Darley, *Daniel Draper*, *Tho-*
mas Duncombe, *John Dealtry*,
Charles Duncombe, *Richard Dar-*
ley, *Henry Duncombe*, *Henry De-*
labene, *Henry D'arcy*, *John Dodf-*
worth, *Abstrupies Danby*, *Wil-*
liam Danby, *Richard Dawson*,
 Esquires; *Ferom Dring*, *William*
Driffield, *John Dring*, Gentlemen;
 the Reverend *Charles Dabton*,

George Dodsworth, William Dawson, the Reverend John Daltry, Clerks; ~~George~~ Elsley, Charles Elsley, Esquires; George Fox Lane, Frederick Frankland, Henry Finch, Thomas Frankland, Layton Frewin, Marmaduke Iothergill, Esquires; the Reverend John Fountayne Dean of York, Timothy Ford, William Fenton, Gentlemen; William Foord Clerk, Roger Henry Gale, Charles Gore, Thomas Grimstone, Robert Grimstone, John Grimstone, Henry Gaddard, Metcalf Graham, Esquires; Roger Gale Gentleman, the Reverend Edmund Garforth, the Reverend Doctor Gouge, the Reverend Thomas Gill, the Reverend Henry Goodricke, Clerks; Sir Charles Howard Knight of the Bath, General Howard, John Hill, John Hill the younger, James Hustler, Benjamin Hudson, John Hutton, Joseph Hudson, Leonard Hartley, Thomas Hudson, Henry Hewgill, Philip Harland,

Harland, George Hutchinson,
John Hardcastle, Man Horse-
field, John Hutton junior, Esquires;
James Hebdon of Eastrop Park,
George Hebdon, James Hobson,
John Hotham, Gentlemen; the
Reverend John Samuel Hill,
Samuel Hassell, Clerks; Ralph
Jennison, Peter Johnson, Peter
Johnson junior, Thomas Iveson,
William Joliff, Esquires; Robert
Hitchingman senior, Robert Hitch-
ingman junior, Christopher Hitch-
ingman, Esquires; the Reverend
Richard Hitchingman Clerk, Sir
Robert Long baronet, Richard
Langley, James Legard, Bar-
nabas Legard, Mathew Lyster,
Henry Lassells, Edwin Lassells,
John Lister, Thomas Lamplough,
John Lumley, Daniel Lassells,
Esquires; John Milbank, Captain
Lawrence, Henry Masterman,
Edward Milbank, Edward Wort-
ley Montague, Zach. Harnago
Moore, Edward Montague, Ti-
mothy Mauleverer, Thomas Met-
calfe,

Anno Regni vicesimo sexto

calfe, William Meek, Thomas Mitchell, Thomas Mauleverer, Bacon Morrit, John Moyer, John Murray, Esquires; Daniel Mitford, William Martin, John Matthews, Gentlemen; the Reverend Thomas Metcalfe, Robert Midgley Clerk, John Ness Gentleman, George Neale Rector of Croft, John Nesfield Rector of Thormanby, William Osbaldiston Esquire, Timothy Ottby, Anthony Oates, Gentlemen; Henry Peirse, Wingate Pullein, James Preston, William Peirse, Richard Peirse, Thomas Peirse, Samuel Peacock, Benjamin Purchase, Esquires; the Reverend Edward Plam Dean of Middleham, Robert Pyper, Robert Peirson, Thomas Pullen, Clerks; the Reverend William Purchas, Richard Proud, Thomas Preston, Gentlemen; William Saint Quintin, Matthew Chitty Saint Quintin, Esquires; Robert Rakes Fulthorpe, Robert Rakes Fulthorpe junior, John Robinson
of

of Buckton, Willey Revely, William Reed, William Robinson, Henry Revely, Thomas Robinson, Gregory Rhodes, Esquires; Thomas Raper, John Rickaby, John Richardson, Gentlemen; John Hall Stevenson, Walter Strickland, Thomas Salvin, Thomas Scottow, William Smelt, Coulson Skottow, Esquires; Mathew Smith, Robert Shepherd, Nicholas Sugar, Samuel Sutler, Thomas Spooner, John Swan, Gentlemen; the Reverend Jaques Sterne Doctor of Laws, Charles Slingsby, John Shaw, Esquires; Cholmley Turner, Charles Tancred, Roger Talbott, William Turner, John Turner, Charles Turner, William Thornton, John Tanfield, Henry Thompson, John Twisleton, Robert Tayler, Edward Thompson, Stephen Thompson, Esquires; Francis Topham Doctor of Laws, the Reverend Henry Thompson, the Reverend William Thomlinson, Clerks; John Tilford Gentleman, Richard Elcock

cock Weddel, Henry Willoughby, Robert Ward, John Wright, William Wharton, Thomas Worfle, John Wilmer, Samuel Wand, Andrew Wilkinson, Charles Wilkin- son, Esquires; Francis Wanley D.D. the Reverend John Wind, the Reverend Thomas Warwick, the Reverend James Worstley, Clerks; Thomas Whytehead, Randall Wilmer, Gentlemen; John York, Thomas York, John York junior, Esquire; John Yarker, Ralph Yeward, Gentlemen; the Lord Mayor, Aldermen, Recorder, and Two Sheriffs of the City of York for the time being, shall be, and they are hereby nominated and appointed Trustees for surveying, ordering, amending, widening, and keeping in Repair the said Roads; and also for putting in Execution all other the Powers in and by this Act given; and the said Trustees, and the Survivors, or any Five or more of them respectively, or
such

such Person or Persons as they,
 or any Five or more of them
 shall appoint, shall and may Trustees
 may erect
 erect, or cause to be erected, Turn-
 pikes and
 One or more Gate or Gates, Toll-
 houses;
 Turnpike or Turnpikes, in, up-
 on, cross, or on the Side of any
 Part or Parts of the said Roads;
 and also a Toll-house, or Toll-
 houses, in or upon the same;
 and shall and may demand, re- and take
 the fol-
 lowing
 Tolls
 thereat.
 ceive, and take the Tolls or
 Duties following, before any Horse,
 Mare, Gelding, Mule, Ass, Cattle,
 Coach, Chariot, Landau, Berlin,
 Chaise, Calash, Chair, Caravan,
 Hearse, Waggon, Wain, Cart,
 or other Carriage whatsoever,
 shall be permitted to pass through
 the same; that is to say,

For every Coach, Chariot, Lan- The
 Tolls.
 dau, Berlin, Hearse, Chaise, or
 Calash, drawn by Six or more
 Horses, Mares, Geldings, or Mules,
 the Sum of Four Shillings and Six
 Pence; and drawn by Four Horses,
 Mares,

Mares, Geldings, or Mules, the Sum of Three Shillings; and drawn by Two Horses, Mares, Geldings, or Mules, the Sum of One Shilling and Six Pence.

For every Chaise or Chair drawn by One Horse, Mare, Gelding, or Mule, the Sum of Nine Pence.

For every Waggon, Wain, Cart, or Carriage, drawn by Six or more Horses, Oxen, or Beasts of Draught, not carrying any Coals, Cinders, or Lime, the Sum of Twenty Shillings.

For every Waggon, Wain, Cart, or Carriage, drawn by Five Horses, Oxen, or Beasts of Draught, not carrying any Coals, Cinders, or Lime, the Sum of Three Shillings and Six Pence; and drawn by Four Horses, Oxen, or Beasts of Draught, not carrying any Coals, Cinders, or Lime, the Sum of Three Shillings; and drawn by Three Horses, Oxen, or Beasts of Draught, not carrying Coals, Cinders, or Lime, the Sum of
Two

Two Shillings; or drawn by One or Two Horses, Oxen, or Beasts of Draught, not carrying Coals, Cinders, or Lime, the Sum of One Shilling.

For every Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of Four Pence Half-penny.

For every Drove of Oxen or Neat Cattle, the Sum of One Shilling *per* Score; and so in Proportion for every greater or less Number.

For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Six Pence *per* Score; and so in Proportion for every greater or less Number.

For every Waggon, Wain, Cart, or other Carriage, going for or laden with Coals, Cinders, or Lime, and drawn by Six or more Horses, Oxen, or Beasts of Draught, passing or repassing through the said Gates, at any time between the Twenty fifth Day of *April* and

and the Twenty ninth of *October*, in every Year, the Sum of Twenty Shillings; and drawn by Five Horses, Oxen, or Beasts of Draught, the Sum of One Shilling; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of Nine Pence; and drawn by Three or Two Horses, Oxen, or Beasts of Draught, the Sum of Six Pence; and drawn by One Horse, Ox, or Beast of Draught, the Sum of Three Pence.

And for every Horse, Mare, Gelding, Mule, or Afs, laden with Coals, Cinders, or Lime, passing or repassing through the said Gates during the Time aforesaid, and not drawing, the Sum of Three Farthings.

And for every Waggon, Wain, Cart, or other Carriage, going for or laden with Coals, Cinders, or Lime, and drawn by Six or more Horses, Oxen, or Beasts of Draught, passing or repassing

passing through the said Gates, at any Time between the Twenty ninth Day of *October* and the Twenty fifth Day of *April*, in every Year, the Sum of Twenty Shillings; and drawn by Five Horses, Oxen, or Beasts of Draught, the Sum of Three Shillings; and drawn by Four Horses, Oxen, or Beasts of Draught, the Sum of Two Shillings; and drawn by Three or Two Horses, Oxen, or Beasts of Draught, the Sum of One Shilling and Six Pence; and by One Horse, Ox, or Beast of Draught, the Sum of Nine Pence.

And for every Horse, Mare, Gelding, Male, or Ass, laden with Coals, Cinders, or Lime, and not drawing, passing through any of the said Gates, between the said Twenty ninth Day of *October* and the Twenty fifth Day of *April*, in every Year, the Sum of Three Half-pence.

B

Which

Tolls
vested in
the Tru-
stees.

Tolls
may be
levied by
Distress
and Sale.

Which said respective Sum and Sums of Money shall be demanded and taken in the Name of, or as a Toll or Duty; and the Money so thereby to be raised and collected, is hereby vested in the said Trustees; and the same and every Part thereof shall be paid, disposed of, or assigned to and for the several Uses, Intents, and Purposes, and in such Manner, as herein after mentioned, appointed, and directed; and it shall and may be lawful to and for the said Trustees, or any Five or more of them, or any such Person or Persons as they, or any Five or more of them, under their Hands and Seals, shall, from time to time, nominate and appoint, to demand, take, and receive the Tolls and Duties hereby granted and made payable, of or upon any Person or Persons who shall (after Demand thereof made) neglect or refuse to pay the same, by Distress of any Horse or Horses, or other Cattle, Goods, or Chattles,

ties, upon which such Tolls or Duties are by this Act imposed, or by Distress of any other the Goods and Chattles of such Person or Persons who ought to pay the same; and such Distress to detain, until such Tolls or Duties, with the reasonable Charges of making and detaining such Distress, shall be paid; and in case such Tolls or Duties shall not be paid within the Space of Four Days after such Distress made, such Person or Persons so distraining may sell the Horses, Cattle, and Goods so distrained, returning the Overplus (if any) upon Demand, to the Owner thereof, after such Tolls, Duties, and all reasonable Charges, shall be deducted and paid.

Distress
may be
sold after
4 Days.

And be it further enacted, That no Person shall be capable of acting as Trustee in any Case in the Execution of this Act, unless he shall be in his own Right, or in the Right of his Wife, in the actual Possession

Qualification of
Trustees.

B 2

Penalty
on acting,
if not qua-
lified.

Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, Freehold, Leasehold, or Copyhold, of the yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person or Persons having an Estate of the yearly Value of Three hundred Pounds: And if any Person or Persons so made incapable to act for the Causes aforesaid, shall nevertheless presume to act contrary to the true Intent and Meaning of this Act, every such Person and Persons shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons that will inform and sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt, or on the Case, Bill, Complaint, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

And,

And, for preventing any Disputes that may arise touching the Payment of any of the Tolls and Duties hereby granted, and to be taken respectively on the said Roads, by this Act intended to be repaired; **be it further enacted** by the Authority aforesaid, That if there shall be Two or more Turnpikes or Toll-bars erected in or on the Side of, or cross the said Roads, then, and in such Case, the Tolls and Duties hereby granted and made payable for passing the said Roads, shall be divided and allotted into so many Parts, Shares, and Proportions, as the said Trustees, or any Five or more of them, shall direct or appoint; and the same shall be taken and received at such and so many of the said Turnpikes or Toll-bars, as by the said Trustees, or any Five or more of them, shall be ordered and appointed for that Purpose, and not otherwise.

If Two or more Turnpikes be erected on the Sides of the Roads, Trustees to proportion the Tolls.

No Toll
on Elec-
tion Days
for a
Knight
of the
Shire.

Provided always, and it is
hereby enacted and declared,
That during the Continuance of
this Act, no Toll shall be de-
manded or taken by virtue of this
Act, for Coaches, Berlins, Lan-
daus, Chariots, Chaises, Calashes,
or Chairs, or Passengers on Horse-
back, going to or returning from
any Election of a Knight or Knights
of the Shire to serve in Parlia-
ment for the said County of *York*;
any thing herein before contained
to the contrary notwithstanding.

Charges
of passing
this Act
to be first
paid.

And be it further enacted by
the Authority aforesaid, That the
said Trustees, or any Five or more
of them, out of the First Money
arising by the Tolls and Duties
which shall be collected by virtue
of this Act, or out of such Money
as shall be borrowed on the Cre-
dit thereof, shall, in the First Place,
pay and discharge all the Expences
and Charges of procuring, obtain-
ing, and passing this Act of Par-
liament,

liament, and of erecting such Turn-pikes and Toll-houses as they shall think proper; and afterwards the Money arising by the Tolls or Duties, and to be borrowed as aforesaid, shall be laid out and applied for and towards the repairing and opening the said Roads, and other the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall direct and appoint.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for all, or any of the said Trustees, who is or are, or shall be in the Commission of the Peace for the North Riding of the said County of *York*, to act as a Justice of the Peace in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in this Act mentioned; any thing herein contained to the contrary notwithstanding.

Trustees,
who are
in the
Commis-
sion of the
Peace,
may act
as Ju-
stices.

Penalty
on Per-
sons per-
mitting,
or going
through,
private
Passage;

Anno Regni vicesimo sexto

And be it further enacted by the Authority aforesaid, That if any Person or Persons whatsoever, owning, renting, or occupying, any Tenements, Lands, or Grounds, near to the said Roads, shall knowingly or willingly permit or suffer any Person or Persons to pass through any Grounds, Gate, Passage, or Way, with any Coach, Chaise, Chariot, Landau, Berlin, Calash, Waggon, Wain, Cart, Carriage, Horse, Mare, Ass, Mule, or any sort of Cattle, on which a Toll or Duty is hereby laid, with an Intent to evade the Payment of the said Toll or Duty, or if any Person or Persons, owning, riding in, or driving any Coach, Landau, Berlin, Chaise, Chariot, Calash, Chair, Waggon, Wain, Cart, or other Carriage, or owning, riding, or driving any Horse, Mare, Ass, Mule, or other Cattle, shall therewith pass through any such Ground, Gate, Passage, or private Way, with an Intent to evade the

8

Payment

Payment of the said Toll or Duty;
 or if any Person or Persons shall with such Intent unload, or cause to be unloaden, any sort of Goods or Merchandizes; or take off or cause to be taken off any Horse, Mare, Gelding, or other Cattle, from any Coach, Landau, Berlin, Chariot, Chaise, Calash, Chair, Waggon, Wain, Cart, or other Carriage; or if any Person or Persons, with the like Intent, shall leave upon the said Roads, any Coach, Landau, Berlin, Chariot, Chaise, Calash, Chair, Waggon, Wain, Cart, or other Carriage, or any Horse, Mare, Gelding, or other Cattle, by reason whereof or of any the Offences aforesaid, the Payment of any Tolls or Duties by this Act imposed shall be avoided or lessened, each and every Person or Persons, in all, every, or any the Cases aforesaid offending, being thereof respectively convicted on the Oath of One or more Witness or Witnesses, before any Five or more of the said Trustees, or
 before

and of
 unload-
 ing
 Goods,
 or taking
 off Horses
 from Car-
 riages,
 &c. with
 Intent to
 avoid
 Payment
 of the
 Tolls.

In case of
Non-pay-
ment,
Penalty
to be
levied by
Distress
and sale.

before any One or more Justice or Justices of the Peace for the North Riding of the County of *York* (which Oath the said Trustees, or any Two of them, or the said Justice or Justices, is and are hereby impowered and required to administer without Fee or Reward) shall for every such Offence forfeit and pay to the said Trustees hereby authorized to put this Act in Execution, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Pounds; which Sum, in case the same be not forthwith paid, shall be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal, or Hands and Seals, of the Trustees, or any Five or more of them, or of the said Justice or Justices, rendering the Overplus (if any there be) to the Owner on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Trustees, or any Five or

more

more of them, or by the said Justice or Justices; and when the said Sum of Twenty Pounds shall be recovered, One Moiety thereof shall go and be paid to the Informer, and the other Moiety shall be applied towards the repairing of the said Roads, and to no other Use or Purpose whatsoever.

And, for preventing Frauds and Abuses in the said Tolls or Duties hereby granted, **be it further enacted** by the Authority aforesaid, That if any Person or Persons, having paid the Toll or Duty by this Act laid or made payable, and having a Note or Ticket, Notes or Tickets, signifying or denoting the Payment of such Toll or Duty (which Note or Ticket the Receiver or Receivers, Collector or Collectors, of the said Toll or Duty, is and are hereby required to give *gratis*) shall give, offer, or dispose of the same, to any Person or Persons, in order to avoid the Payment of the said Toll or Duty, every such Person

Penalty
on Persons
giving or
receiving
Tickets,
with In-
tent to
avoid
Payment
of the
Tolls.

Person so giving, offering, or disposing of such Note or Ticket, Notes or Tickets, and the Person receiving and making use of the same, being thereof convicted upon Oath, before the said Trustees, or any Five or more of them, or before any One or more Justice or Justices of the Peace, for the Riding aforesaid (which Oath the said Trustees, or any Five or more of them, or the said Justice or Justices, is and are hereby respectively impowered and required to administer *gratis*) every such Person or Persons shall respectively forfeit and pay the Sum of Twenty Shillings, to be levied, recovered, and disposed of, as any other Penalty or Forfeiture is hereby directed to be levied, recovered, and disposed of.

Provided also, and be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Seven or more of them,

them, from time to time, during the Continuance of this Act, to compound and agree with the Inhabitants of any of the Parishes, Townships, or Places, through which the said Roads do lead, or with any of the Possessors or Occupiers of such Lands, Tenements, or Hereditaments, as are or shall be liable or chargeable towards the repairing any Part of the said Roads, for a certain Sum of Money, or otherwise by the Year, as the said Trustees, or any Five or more of them, shall think reasonable, in lieu of the Statute or other Work to be done by the Inhabitants of such Parishes, Townships, or Places, or by such Possessor or Possessors, Occupier or Occupiers, of such Lands, Tenements, and Hereditaments, chargeable as aforesaid.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may and they are hereby allowed

Trustees
may com-
pound
with Pa-
rishes,
&c. in
lieu of
Statute-
work.

Trustees
may com-
pound
with Pa-
rishes.

Compo-
sitions to
be enter-
ed in a
Book.

also impowered, from time to time, as they shall think fit, to compound or agree by the Year, or otherwise, with any Person or Persons using to travel through the Turnpike or Turnpikes to be erected by virtue of this Act, with any Coach, Berlin, Landau, Chariot, Calash, Chaise, Chair, Waggon, Wain, Cart, or other Carriage, Horse, Gelding, Mare, or other Beast of Burthen, for any Sum or Sums of Money, for or in lieu of Payment of any of the said Tolls or Duties, to be paid Quarterly from time to time after such Agreement shall be made; Copies of all which Compositions or Agreements so to be made by the said Trustees as aforesaid, shall be entered at length in a Book or Books, to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers, to the said Trustees; which said Book or Books shall and may be seen and perused by any Person or Persons whomsoever without Fee or Reward. **And**

And be it further enacted by the Authority aforesaid, That in case any such Composition-money agreed to be paid for passing through the said respective Turn-pikes or Gates to be erected by virtue of this Act Toll-free, or in lieu of any Statute or Days Work of the Inhabitants of any Parish, Township, or Hamlet, wherein the Roads to be amended by virtue of this Act do lie, shall not be paid within Fifteen Days next after the same shall become payable according to such Agreement or Composition, that then it shall be lawful for any the Justices aforesaid, by Warrant under his Hand and Seal, to empower the Persons authorized by the said Trustees, or any Five or more of them, to receive such Composition-money, and (Oath being first made that the same has been demanded and remains unpaid, which Oath such Justice is hereby authorized and required to administer) to levy such

Composition-money to be recovered by Distress and Sale.

such Composition-money by Distress and Sale of the Goods of the Person or Persons so having compounded for passing through any of the said Turnpikes Toll-free, as aforesaid, or of the Person or Persons who shall so compound for or in respect of the said Statute or Days Work, or of the Surveyors of the Highways for the time being, of such Parish, Township, or Hamlet, in respect of whose Statute or Days Work such Composition shall be made, returning the Overplus (if any) after the Charges of such Distress and Sale thereout first deducted.

Trustees
to ap-
point Of-
ficers;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, present at their First or any succeeding Meeting, by any Writing under their Hands and Seals, shall and may chuse and appoint One or more fit Person or Persons to be Treasurer or Treasurers, Receiver or Receivers,

ceivers, Collector or Collectors of the Tolls or Duties aforesaid; and also One or more fit Person or Persons to be Surveyor or Surveyors to view the Condition of the said Roads, and to see that the same are repaired and amended, and that the Money raised by virtue of this Act be duly applied; and also One or more Clerk or Clerks, and such other Officer as shall be necessary in order to put this Act in Execution; and, from time to time, to remove such Treasurers, Collectors, Receivers, Surveyors, Clerks, and other Officers aforesaid, or any of them, as they the said Trustees, or any Five or more of them, shall see Occasion, and appoint other Officers in case of the Death, or such Removal; and such Person or Persons as is and are hereby made liable to pay the said respective Tolls or Duties, shall pay the same, after the Rates aforesaid, to such respective Treasurer

and may
remove
them,
and ap-
point
others.

Officers
to ac-
count
upon
Oath.

or Treasurers, Receiver or Receivers, Collector or Collectors, as shall, from time to time, be respectively appointed for that Purpose; and the Person or Persons so appointed to collect and receive the said Tolls and Duties, and also such Surveyor or Surveyors, and such other Person or Persons so appointed as aforesaid, shall, from time to time, and as often as the said Trustees, or any Five or more of them, shall require, make and render to them, or any Five or more of them, a true, perfect, and exact Account in Writing, upon Oath, to be taken before any Two or more of such Trustees, or any One or more of the said Justice or Justices of the Peace (and which Oath such Trustees or Justices are and is hereby impowered and required to administer without Fee or Reward) of all Monies by them respectively collected, received, and disbursed, and of all other Matters and Things committed

committed to their Charge, by virtue or under the Authority of this Act; and in case any Money so received shall remain in their or any of their Hands, the same shall be paid to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them, shall, by Writing or Writings under their Hands, authorize to receive the same, and shall be disbursed and laid out in amending the said Roads according to the true Meaning of this Act, and not otherwise; and the said Trustees, or any Five or more of them, shall and may, out of the Monies arising by the said Tolls or Duties, make such Allowances to such Officers for and in Consideration of his and their Care and Pains taken in the Execution of his and their said respective Office or Offices, and to such other Person or Persons as shall be assisting in and about procuring the said Roads to

Trustees
to allow
Officers
Salaries.

Officers
not mak-
ing Ac-
count and
Payment;

Justices
may make
Enquiry
into the
Default,

be amended and repaired, by advancing or laying out any Money, or otherwise, relating thereto, as to the said Trustees, or any Five or more of them, shall seem reasonable: And in case the said Receivers, Collectors, or other Persons aforesaid, or any of them, shall refuse or neglect to give and make such Account and Payment as aforesaid, that then any Two or more of the said Justices may, and they are hereby impowered and required to cause the said Collectors, and other the Persons aforesaid, or any of them, to appear, or to be brought before them by Warrant or Summons under their Hands and Seals, and shall make Enquiry of and concerning such Default in a summary Way, as well by the Confession of the Parties themselves, as by the Testimony of One or more credible Witnels or Witnesses upon Oath (which Oath the said Justices, or One or more of them, are and is hereby

hereby impowered and required to administer without Fee or Reward) And if any such Collectors, Receivers, or other Persons afore-said, or any of them, shall be convicted by such Justice or Justices of having neglected or refused to give such Account, or of having delivered a false, defective, or imperfect Account, or of having neglected or refused to pay the Monies due on such Account, within Twenty Days next after such Account shall be so given in; that then in any of the said Cases, it shall and may be lawful for any Two or more of the Justices of the Peace, to commit the Offender and com-
 or Offenders to any House of Cor- mit the
 rection kept in and for the said Offenders
 North Riding of the said County to a House
 of *York*, there to remain, without of Cor-
 Bail or Mainprize, until he or they rection.
 shall have given, made, and delivered a true, exact, and perfect Account, and Payment as afore-said, or until he or they shall have

compounded and agreed with such Trustees, and have paid such Composition to the Treasurer or Treasurers of the said Roads for the time being; which Composition the said Trustees, or any Seven or more of them, are hereby authorized and impowered to make and receive.

Surveyors
may dig
Gravel,
&c. out
of Waste
Grounds,
&c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Surveyor or Surveyors of the said Roads, and such Persons as he or they shall appoint, to dig, gather, take, and carry away any Gravel, Furze, Heath, Sand, Stones, or other Materials, out of any River or Brook, Waste or Common, of any Parish, Town, Village, or Hamlet, wherein or near which the said Roads, or any Part thereof, do lie, proper and convenient for repairing and amending the same; and for want of sufficient Gravel, Furze, Heath, Sand, Stones, or other Materials there,
to

to dig, gather, take, and carry away the same, in and out of any River, Brook, Waste, or Common of any neighbouring Parish, Town, Village, or Hamlet, in any Riding or Ridings, without paying any thing for the same, such Surveyor or Surveyors respectively, levelling, or causing to be levelled, all such Holes and Pits as shall be occasioned by the digging for or taking away such Materials; and where there are not sufficient of such Materials in any such Rivers, Brooks, Commons, or waste Grounds as aforesaid, it shall and may be lawful for such respective Surveyor or Surveyors, by Order of the said Trustees, or any Five or more of them, to dig and gather such Materials in, and carry the same out of the several Grounds of any Person or Persons (not being the Site of Ground of or whereon any House or Houses stand, or a Garden, Orchard, Yard, Park, or Paddock, planted Walk or Walks,

levelling
the Pits;

and for
want of
Mate-
rials
there,
may
dig the
same out
of any
private
Grounds,

making
Satisfac-
tion to the
Owners.

or Avenue to any House, or any Piece or Parcel of Ground let apart and used as a Plantation or Nursery for Trees) where any such Materials are or may be found; and, from time to time, to take and carry away the same, or so much thereof, as the said Surveyor or Surveyors of the said Roads shall adjudge necessary for repairing and amending the same, paying such Rates, or Sum and Sums of Money for such Materials, and for the Damage done to the Owner and Owners, and Occupier and Occupiers respectively, of the Grounds where and from whence the same shall be digged, gathered, or carried away, or over which the same shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference concerning the same between such Owners and Occupiers and the said Trustees, touching such Damage as aforesaid, the said Justices, at their

their next General Quarter Sessions ^{Justices} to be holden in and for the said ^{to deter-} Riding, Liberty, or Place (where ^{mine Dif-} and from whence such Materials shall be digged, gathered, or carried away, or where such Damage shall be done as aforesaid) or the major Part of them then present, shall and may adjudge, assess, and finally determine the same, and order the Damages to be paid by the said Treasurer or Treasurers for the time being, out of the Money arising by the said Tolls; from which Determination there shall be no Appeal.

And be it further enacted by ^{Surveyors} the Authority aforesaid, That it ^{in y} shall and may be lawful for the ^{make} said Surveyor and Surveyors, and ^{Cause} such Person or Persons as he or ^{ways,} they shall appoint by Order of the said Trustees, or any Five or more of them, to make, or cause to be made, Causeways, and to cut and make Drains through ^{cut} any Grounds lying contiguous to ^{Drains,} the

and erect
Bridges,
&c.
on the
Roads.

the said Roads; and to make and erect Arches or Bridges of Brick, Timber, or Stone, upon the said Roads; and also to widen any of the narrow Parts of the said Roads, by opening, clearing, and laying into the same, any Grounds of any Person or Persons lying contiguous thereto (not being the Ground whereon any House or Houses stand; or Garden, Orchard, planted Walk, Park, or Paddock, or Avenue to any House, already or hereafter to be planted; or any Piece or Parcel of Ground, planted, set apart, and used as a Plantation or Nursery for Trees) and also to cause Ditches or Trenches to be made, in such Manner as such Surveyor or Surveyors, by Order of the said Trustees, or any Seven or more of them, shall adjudge necessary for the better amending and keeping the Roads aforesaid in good Repair; and also to make, or cause to be made, a
Road

Road or Way through, over, and along the adjoining Grounds to any narrow or ruinous Part or Parts of the said Roads, to be made Use of by all Passengers with Horses, Coaches, Carriages, or otherwise, as a publick Highway, whilst the old, narrow, or ruinous Road is repairing; and till such time as it shall be convenient and safe for Passengers and Carriages to travel and go along the said Road intended to be repaired, making such reasonable Satisfaction to the Owners and Occupiers of such Ground respectively, as shall be so laid in or unto the said Road, or through which any such Drain or Drains shall be cut, or on which any such Arch or Arches, Bridge or Bridges, shall be made, for the Damages which such Owners or Occupiers respectively shall or may thereby sustain, as shall be adjudged by the said Trustees, or any Five or more of them:

And

Surveyors
may make
a tempo-
rary
Road,
whilst
the old
Road is
repairing,
making
Satisfac-
tion to
the Ow-
ners of the
Grounds.

Justices
to deter-
mine Dif-
ferences
relating
thereto.

And in case any Difference shall happen between such Owners or Occupiers and the said Trustees, touching such Damages, that then it shall and may be lawful to and for the Justices of the Peace, at the next General Quarter Sessions, to be holden for the Riding, Liberty, or Place, wherein such Ground so laid into the said Road, or any Part of such Ground shall lie, or through which any such Drain or Drains, Ditch or Ditches, shall be cut or made, or on which any such Arch or Arches, Bridge or Bridges, Causeway or Causeways, shall be erected or made; or through which any such Roads shall be made; or the major Part of such Justices present at such Quarter Sessions, to hear, settle, adjudge, and finally determine the same; and if any Owner or Owners, Occupier or Occupiers of any Watercourse or Watercourses, Ditch or Ditches, adjoining to the said Roads, shall neglect

neglect or refuse to scour and cleanse such Watercourse or Watercourses; or to make such Ditch or Ditches so deep, and in such Manner as the Surveyor or Surveyors, so to be appointed, shall, from time to time, judge proper and convenient, after Ten Days Notice shall be given for that Purpose by such Surveyor or Surveyors, or such Person or Persons as he or they shall appoint, to such Owner or Owners, Occupier or Occupiers, it shall and may be lawful to and for such Surveyor or Surveyors to set any Man or Men at Work, to scour, cleanse, and deepen the same; and by Warrant from any Five or more of the said Trustees, to levy the Charge thereof upon the Persons, Goods, or Estates of the Owner or Owners, Occupier or Occupiers of such Watercourse or Watercourses, Ditch or Ditches, by Distress and Sale of his, her, or their Goods; rendering

Owners neglecting to scour their Watercourses, &c.

Surveyors may set Men at Work to cleanse the same.

and levy the Expence by Distress and Sale.

dering the Overplus (if any) after all Charges of such Distress and Sale thereout deducted, to the said Owner or Owners, Occupier or Occupiers, when by him, her, or them demanded.

Surveyors
may re-
move An-
noyances,

turn Wa-
tercourf-
es,

cut down
and lop
Trees.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for such Surveyor or Surveyors, and such Person or Persons, as he or they shall appoint (by the Direction of the Trustees, or any Five or more of them, under their Hands) from time to time, to remove and prevent all Annoyances on any Part of the said Roads, by Filth, Dung, Ashes, Rubbish, or otherwise; and to turn any Water-courses, Sinks, or Drains, running into, along, or out of the said Roads, to the Prejudice thereof; and to cleanse any Ditch or Water-course next adjoining to the said Roads; and to cut down, lop, or top any Trees (Timber Trees excepted) or Bushes growing in the said

faid Roads, or in the Hedges or Banks adjacent thereto; and to take and carry away the same (in case the Owners or Occupiers of the Premisses, respectively, neglect to remove such Annoyances; or to cut, fell, or take away such Trees, Loppings, Boughs, or Bushes, for the Space of Five Days, next after Notice in Writing given for that Purpose, under the Hand of the said Surveyor or Surveyors, or of the said Trustees, or any Five or more of them; the Charges whereof shall be reimbursed to the said Surveyor or Surveyors, by such Owners or Occupiers neglecting to cut down, top, or lop such Trees or Bushes, or to remove such other Annoyances as aforesaid; And if, after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like kind, every such Person so offending, and being thereof convicted upon Oath, before the said Trustees, or any Five or more of them,

Charges to be reimbursed to the Surveyors.

Penalty on a Second Offence.

or

or any One or more of such Justice or Justices, shall for every such Offence forfeit and pay unto the said Trustees, or to their Treasurer or Treasurers for the time being, the Sum of Twenty Shillings, to be recovered and paid in Manner, as by this Act is directed.

Tolls
may be
assigned
for Mo-
ney bor-
rowed.

And, forasmuch as the Money so to be collected by the Receipt of the Tolls or Duties, by this Act made payable as aforesaid, will not at present be sufficient for the speedy repairing of the said Roads; be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, at their publick Meetings, shall and may, and they are hereby impowered, from time to time, by any Writing or Instrument under their Hands and Seals, to assign over or mortgage the said Tolls or Duties arising by virtue of this Act, or any Part thereof (the Costs and Charges of which Assignment and Mortgage

Mortgage shall be borne and paid out of such Tolls and Duties respectively) for the Term granted by this Act, or for any Part of such Term, as a Security for any Sum or Sums of Money to be borrowed by the said Trustees, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance and lend the same, to secure the Repayment thereof, with legal Interest, or less, as shall be agreed upon; which said Money, so to be borrowed, shall be applied and disposed of in the first Place, to pay off the Charges and Expences of obtaining this Act of Parliament, and the Residue shall be applied in such Manner, and for such Purposes, as the said respective Tolls and Duties are by this Act directed to be applied and disposed of; and to no other Use or Purpose whatsoever.

Provided always, and it is hereby declared, That no Money shall be borrowed on the Credit of the Tolls or Duties to be collected, **D** after

Legal Interest allowed for Money borrowed.

Application of the Money.

14 Days Notice to be given of the future borrowing of Money.

after the First Meeting of the said Trustees, unless Notice, for that Purpose, be fixed in Writing under the Hand of their Clerk, upon all the Turnpike-gates erected or to be erected by virtue of this Act, at least Fourteen Days before the borrowing such Money.

Copies of Assignments to be entered in a Book.

And it is hereby further enacted by the Authority aforesaid, That all and every Mortgage and Mortgages, Assignment and Assignments, to to be made by the said Trustees, shall be copied and entered at Length in the Book or Books, to be kept for that Purpose, by the Clerk or Clerks, Treasurer or Treasurers, of the said Roads; which said Book or Books shall and may be seen and perused at all reasonable Times by any Person or Persons whatsoever, without Fee or Reward.

Assignments may be transferred; and the Manner of doing so.

And it is also further enacted by the Authority aforesaid, That all and every Person and Persons to whom any Mortgage or Mortgages,

gages, Assignment or Assignments, shall be made by the said Trustees, or any Seven or more of them, as a Security for any Sum or Sums of Money, by any Person or Persons lent and advanced on the Credit and for the Purposes mentioned in this Act, who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment, to be indorsed on the Back of his, her, or their Security; or by any other Writing or Writings under his, her, or their Hands and Seals, to be duly executed in the Presence of Two or more Witnesses, assign or transfer the same Security or Securities, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest to the Principal and Interest Money thereby secured, or any Part thereof, to any Person or Persons whomsoever; which said Transfer or As-

D 2 signment

Assignments to be produced, and notified to the Clerk,

and an Entry to be made thereof.

Clerk's Fee.

Assignments may be made *roties quoties*.

Assignment shall be produced or notified to the Clerk or Clerks, Treasurer or Treasurers, appointed or to be appointed by the said Trustees, or any Seven or more of them, within Three Months next after the Date thereof; who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Parties, and the Sum of Money therein mentioned in the said Book, to be kept for entering the said original Mortgage and Mortgages; Assignment and Assignments; for which such Clerk or Clerks, Treasurer or Treasurers, shall be paid Two Shillings, and no more; and after such Entry made, such Assignment shall intitle such Assignee, or any subsequent Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit and Payment thereof; and such Assignee may in like Manner assign the same again; and so, *roties quoties*: And it shall not be in the Power of any Person

or

or Persons, who shall make such Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Provided always, and it is hereby declared and enacted by the Authority aforesaid, That no Person or Persons having Occasion to pass through any Turnpike or Turnpikes, to be erected by virtue of this Act, where Tolls or Duties is, are, or shall be taken, and who shall return the same Day through the same Turnpike or Turnpikes, before Twelve of the Clock at Night, with the same Coach, Berlin, Landau, Chariot, Calash, Chaise, Horse-litter, Waggon, Wain, Cart, or other Carriage; Horse, Gelding, Mare, Mule, Ass, or any Sort of Cattle, for which the Tolls or Duties had been paid; and to evidence such Payment, shall produce a Note or Ticket (which Note or Ticket the said Receivers or Collectors are hereby respectively required to give *gratis*, shall be liable or compelled to pay

Tolls to
be paid
but once
a Day.

Carriages
going for,
and re-
turning
laden
with
Coals, to
pay Toll
but for
One
Turn.

the said Toll or Duty, more than Once, at any such Turnpike or Turnpikes: And that no Waggon, Wain, Cart, or Carriage, having passed any Place or Places where the Toll or Duty shall be taken, laden or empty, and going to load with Coals or Cinders only, and returning again, at any Time, empty, or laden with Coals or Cinders only, within the Space of Seventy two Hours, next after the former Passage, through the said Turnpike or Gate, shall be liable or compelled to pay the Toll or Duty more than Once; so as such going and returning be for and with One Turn or Load only of Coals or Cinders.

Trustees
may turn
or widen
the Road,
for the
better
Accom-
modation
of Car-
riages and
Passen-
gers;

And be it further enacted by the Authority aforesaid, That in case the Trustees for putting this Act in Execution, or any Seven or more of them shall, at any Time or Times hereafter, during the Continuance of this Act, think proper to widen, turn, or alter the Way

Way or Path, or any Part or Parts of the said Roads, hereby directed to be repaired, for the better Accommodation of Coaches, Carriages, and Passengers; that then it shall and may be lawful to and for the said Trustees, or any Seven or more of them, and they are hereby authorized and impowered, from time to time, to treat, contract, or agree for the Purchase of any Lands, Grounds, or Hereditaments, lying contiguous or near to the said Roads; and for the Loss or Damage the Owners, Proprietors, or Occupiers thereof, or any of them, shall or may any ways sustain by such widening, altering, or turning such Way or Path; and to pay for the same out of the respective Tolls and Duties by this Act granted, or out of the Money to be borrowed on the Credit thereof, such Sum or Sums of Money as shall be agreed upon between such Owners, Proprietors, and Occupiers, and Persons interested, as

and contract for the Sale of Lands, &c. for that Purpose.

The
Lands
purchaſed
to be laid
into the
Roads,

and to be
ditched
and fenced
out,

aforeſaid, and the ſaid Truſtees, or any Seven or more of them, and for the Coſts and Charges attending ſuch Purchaſe; and ſuch Lands and Grounds, when purchaſed as aforeſaid, ſhall, by Order and Direction of the ſaid Truſtees, or any Seven or more of them, be laid into and made Part of the ſaid Roads, ſo directed to be amended by this Act, in ſuch Manner as the ſaid Truſtees, or any Five or more of them, ſhall think convenient; and ſhall by them reſpectively, or by ſuch Perſon or Perſons as they, reſpectively, or any Five or more of them, ſhall order and appoint, be ſufficiently drained, ditched, and fenced out for that Purpoſe; and after the ſaid Lands and Grounds ſhall be ſo drained, ditched, and fenced out, the ſame ſhall, to all Intents and Purpoſes whatſoever become and be, and ſhall be eſteemed and taken a publick and common Highway, and ſhall be amended and kept in Repair by ſuch Ways,

Ways, and in such Manner, as other
 Highways are amended and kept and be kept in Repair.
 in Repair by the Laws now in be-
 ing; and after such Purchase shall
 be made as aforesaid, the Lands The Lands of the old Road to be sold,
 and Grounds comprized in or con-
 stituting the old or former Road
 (in lieu whereof the Land or
 Ground for such new Road or Way
 shall be purchased, as aforesaid)
 shall be vested in, and shall or
 may be sold or disposed of by the
 said Trustees, or any Seven or
 more of them, to such Person or
 Persons as shall become Purchaser
 or Purchasers thereof, for the best
 Price that can be reasonably had
 or gotten for the same; and the and the Money arising by the Sale, to be applied in amending the Roads.
 Money arising by such Sale shall
 be applied and disposed of for the
 repairing, widening, and amending
 the said Roads; and the Sale, and
 Conveyance or Conveyances to be
 made of such Lands and Grounds, Execu- tion of the Con- veyance thereof.
 comprized in the said old Road,
 being executed by the said Tru-
 stees, or any Seven or more of
 them,

them, and inrolled with the Clerk of the Peace of the Riding, Liberty, or Place, within which the said Road, or any Part thereof doth lie, shall be good and effectual to all Intents and Purposes whatsoever.

And whereas it may happen, That some Person, or Bodies Politick or Corporate, Collegiate, Feoffees in Trust, or others, are seized or possessed of Lands, Grounds, Tenements, or Hereditaments, which may by the said Trustees be thought necessary or proper to be taken in and added to the said Roads, for widening, turning, altering, or amending the same, but by reason of Infancy, or other Disabilities, a good Title cannot be made thereto; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate, or Sole, and all Feoffees

Bodies
Politick
and Cor-
porate,
and other
Persons,
impow-
ered to
contract
with the
Trustees
for the
Sale of
such
Land.

in

in Trust, Executors, Administrators, Guardians, Committees of Ideots, Lunaticks, and Husbands, or other Trustees whatsoever, for and on Behalf of any Infants, Feme Coverts, or Cestuique Trusts, Ideots, Lunaticks, and for all and every Person and Persons whatsoever, who are or shall be seized, possessed of, or interested in any such Lands, Grounds, Tenements, or Hereditaments, to treat, contract, or agree with the said Trustees, or any Seven or more of them, for the absolute Purchase of such Lands, Grounds, Tenements, and Hereditaments, or any Part thereof, or for their Interest therein, for the Purpose aforesaid; and to sell and convey the same, as Occasion shall be or require; and that all Contracts, Agreements, Sales, and Conveyances, which shall be so made, shall be valid to all Intents and Purposes; any Law, Statute, Usage, or any other

All such
Contracts
deemed
valid.

other Matter or Thing whatsoever to the contrary thereof in any wise notwithstanding; and that all such Feoffees in Trust, Executors, Administrators, Guardians, Committees, and Trustees, Corporations Corporate or Collegiate, Aggregate or Sole, and all other Persons, are, and shall be hereby indemnified for what they shall do, by virtue or in pursuance of this Act.

Proprietors, &c.
refusing
or neglecting to
treat with
the Trustees, upon
Notice given
them,

And it is hereby further enacted, That if any such Owner, Proprietor, Occupier, Bodies Politick, Corporate, or Collegiate, Husbands, Guardians, Trustees, Committees, or other Person or Persons interested in such Lands, Grounds, Tenements, or Hereditaments, upon convenient Notice to them given, or left in Writing, at the Dwelling-house or Place of Abode of such Person or Persons, or of the Head Officer or Officers of such Bodies Politick, Corporate, or Collegiate;

or

or at the House of the Tenant in Possession of the Lands, Grounds, Tenements, and Hereditaments, so to be taken in, and added to the said Road as aforesaid, or into which such Way, Path, or Road, shall be so turned or altered as aforesaid, shall, by the Space of Twenty Days after such Notice given or left as aforesaid, neglect or refuse to treat; or shall not agree in the Premisses; or by reason of Absence shall be prevented from treating; then, and in every such Case, the said Trustees, or any Seven or more of them, shall cause it to be enquired into and ascertained by and upon the Oaths of a Jury of Twelve indifferent Men (which Oath the said Trustees, or any Two or more of them, are hereby empowered and required to administer) what Damages will be sustained by, and what Recompence or Satisfaction shall be made to such Owners, Proprietors, or other

a Jury to be summoned, to settle the Damages and Recompence.

other Perſon or Perſons intereſted for or upon Account of the taking of ſuch Lands, Grounds, or Hereditaments, into the ſaid Road; and in order thereto, the ſaid Truſtees, or any Seven or more of them, are hereby impowered and required, from time to time, as Occaſion ſhall be or require, to ſummon and call before them, all and every Perſon or Perſons whatſoever, who ſhall be thought neceſſary or proper to be examined as a Witneſs or Witneſſes, touching or concerning the Premiſſes, and ſhall examine all ſuch Witneſſes before the ſaid Jury upon Oath, (which Oath the ſaid reſpective Truſtees for the ſaid Roads, or any Two or more of them, are hereby impowered and required to adminiſter) and they ſhall alſo order and cauſe the ſaid Jury to view the ſaid Places in Queſtion, and to uſe all other lawful Ways and Means, as well for their own as the ſaid Jury's Informa-

Witneſſes to be ſummoned and examined on Oath,
&c.

Information in the Premisses, as they the said Trustees, or any Seven or more of them, shall think fit; and after the said Jury shall have so enquired of, ascertained, and settled such Damages and Recompence, they the said Trustees, or any Seven or more of them, shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury, to be paid to the said Owners, Occupiers, or Proprietors of the said Lands, Grounds, Tenements, and Hereditaments, or other Persons interested therein, according to such the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgement, Order or Determination, so had and made, shall be final, and binding, and conclusive to all Intents and Purposes, against all Parties or Persons whatsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs and Successors,

Verdict
of the
Jury, and
Judge-
ment of
the Tru-
stees
thereon,
to be
final and
conclu-
sive.

cessors, as well absent as present, Infants, Femmes Covert, and Persons under any other Disability whatsoever, Bodies Politick, Corporate, or Collegiate, as well as all other Person and Persons whomsoever; and all and every such Owners, Occupiers, and Proprietors; and all and every Person and Persons, any ways interested in such Lands, Grounds, Tenements, and Hereditaments, shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property of, into, or out of the same; and for summoning and returning such Jury or Juries, the said Trustees, or any Seven or more of them, are hereby empowered to issue out their Warrant or Warrants to the Sheriff of the said County of *York*, thereby commanding or requiring him to impanel, summon, and return an indifferent Jury of Twenty four Persons to appear before the said Trustees,

Trustees
to issue
their
Warrants
to the
Sheriff,
to return
and im-
panel a
Jury.

Trustees, or any Seven or more of them, at such Time and Place as in such Warrant shall be appointed; which Sheriff, or his Deputy or Deputies, is and are hereby required thereupon to impanel, summon, and return such Twenty four Persons accordingly; and out of the Persons so impanelled, summoned, and returned; or out of such of them as shall appear according to, or upon such Summons, the said Trustees, or any Seven or more of them, shall swear, or cause to be sworn, Twelve Persons, who shall be the Jury for the Purposes aforesaid; and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured, or summoned to attend that Service, to the Number of Twelve.

Provided always, and it is hereby declared and enacted, That

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Juries
may be
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lenged.

Trustees
to impose
a Fine on
Sheriff,
and
others,
making
Default;

all Persons concerned shall, from time to time, and at all Times, have their lawful Challenges against any of the Jurymen to be summoned in Pursuance of this Act, in such, and in the like Manner, as any Party in any Action brought, or to be brought, depending, or to be depending in any of His Majesty's Courts of Record at *Westminster*, is, or shall be by Law intituled to; and the said Trustees, or any Seven or more of them, are hereby impowered, from time to time, to impose any reasonable Fine or Fines on such Sheriff, his Deputies or Bailiffs respectively, who shall make Default in the Premises; as also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or after having appeared, shall refuse to be sworn on the said Jury; or after having been sworn, shall refuse, or not give his or their Verdict of and upon

upon the Matter in Question, or the Damages he or they shall be sworn to try, or to inquire of or in any other Matter, wilfully neglecting their Duty therein, contrary to the true Intent and Meaning of this Act; and on any of the Persons who being required to give Evidence or Testimony before the said Jury, touching the Premises, shall refuse to be examined, or to give Evidence or Testimony touching the same.

Provided, and it is hereby further enacted and declared, That no such Fine shall exceed the Sum of Ten Pounds upon any One Person for any One single Offence; but such Fine shall be levied, recovered, and applied in such and the like Manner, and to and for such and the like Purposes, as any other Fines or Penalties is or are by this Act directed to be levied, recovered, and applied.

Fine not
to exceed
10/.

Provided always, and it is hereby declared, That no Person

Exemptions
from
Toll.

or Persons shall be charged with any of the Tolls or Duties aforesaid, for passing through any of the Turnpikes to be erected by virtue of this Act, and carrying any Quantities of Stone, Brick, Lime, Timber, Wood, Gravel, or other Materials, for repairing the said Roads, or for amending any of the Highways in the Parishes or Townships in which any Part of the Road, by this Act directed to be repaired, doth lie, or going or returning through any of the said Turnpikes for or with any Dung, Mould, or Compost of any Nature or Kind whatsoever, for manuring of Lands or Gardens; nor shall any Toll or Duty be demanded or taken, by virtue of this Act, for any Carts, Wains, Waggon, or other Carriages, carrying any Hay or Corn in the Straw to be laid up in the Houses, Out-houses, Barns, or Yards, of or belonging to the respective Inhabitants of the several Parishes, Town-

Townships, or Places, in which the said Road doth lie; nor for any Ploughs, Harrows, or any other Implements of Husbandry, or any other Things whatsoever belonging to or employed by such Inhabitants respectively in Husbandry, nor for the manuring or stocking of Lands lying near the said Road (Lime only excepted) nor shall any of the said Tolls or Duties, hereby laid, be demanded or taken of or from any Person or Persons residing in the said Parishes in which the said Roads hereby directed to be repaired do lie, who shall pass through the said Turnpikes or Cross-gates to or from Church, Chapel, or other Place of religious Worship on *Sundays*; or who shall attend the Funeral of any Person or Persons who shall die and be buried in any of the said Parishes in which the said Roads hereby directed to be repaired do lie; or for any Horses, Geldings, Mares, or Cattle going to, or returning from Pasture or Watering-

places belonging to such Parishes, Townships, or Places, or any of the neighbouring Inhabitants near the said Roads; nor for any Post Horses carrying the Mail or Packet; nor shall any Toll or Duty be demanded or taken for the Horses of Soldiers passing who are upon their March, or for Carts, Carriages, or Waggon's attending them, or laden with their Arms or Baggage; nor for Horses, Carts, or Waggon's travelling with Vagrants sent by Passes; any thing herein contained to the contrary notwithstanding.

Turn-
pikes and
Toll-
houses
vested in
the Tru-
stees.

And be it further enacted by the Authority aforesaid, That the Right and Property of all and every the Gates, Turnpikes, and Toll-houses which shall be erected on, within, cross, or on the Sides of the said Roads, by virtue of this Act, shall, during the Continuance of this Act, be vested in the said Trustees; and they the said Trustees, or any Five or more of them,

them, are hereby authorized and impowered to dispose thereof; and in their Names, or in the Names of any Five or more of them, or in the Name or Names of their respective Clerk or Clerks, Treasurer or Treasurers for the time being, to bring Actions against any Person or Persons who shall disturb them in the Enjoyment of the Property thereof; or to prefer and prosecute Bills of Indictment against any Person or Persons who shall steal, take away, break down, or spoil such Gates, Turnpikes, or Toll-houses, or any of them, or any Part of them, or any of them so to be erected as aforesaid.

And it is hereby enacted by the Authority aforesaid, That nothing herein contained shall impower the said Trustees, or any of them, to erect any Gates or Turnpikes at any Place upon the said Roads nearer to the City of *York*, than the North End of the Town of *Skelton*, nor on that Road that

Trustees
not to
erect any
Turn-
pikes
nearer to
the City
of *York*,
than the
North
End of
the Town
of *Skel-*
ton, &c.

lies between the Towns of *Thirsk* and *Topcliff*, nor within Three Miles of the Town of *Northallerton*.

Trustees
may lessen the
Tolls;

Provided always, and it is hereby enacted by the Authority aforesaid, That the said Trustees hereby appointed, and their Successors, or any Seven or more of them; are hereby authorized and empowered, from time to time, to lessen the Tolls and Duties hereby granted and made payable, and to order and direct the same to be collected, received, and taken; in such Manner, Parts, and Proportions, as they shall think proper, any thing herein contained to the contrary notwithstanding; so as such Deduction, be no Prejudice to any Person, who shall advance any Money on the Credit of the said Tolls, or the Person who shall be intitled to the Money thereby secured, at the Time of such Reduction, or shall be with the Consent of the Person or Persons who, at the Time of such Reduction,

so as to
be no
Prejudice
to any
Person
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in the
Money
secured
thereby.

tion,

tion, shall be intituled to any Money secured thereon.

Provided always, That if at any Time after such Reduction, or lessening of the said Tolls, as If after Reduction of the Tolls, the same shall not be found sufficient to answer the Purposes of this Act, **as** Trustees may raise the same. **aforesaid,** the Tolls so reduced or lessened shall not be found sufficient to answer the Purposes intended by this Act; that then it shall and may be lawful to and for the said Trustees, or any Seven or more of them, to advance and raise the said Tolls, or any of them, to the Sum herein before by this Act directed to be taken and paid; any thing herein contained to the contrary thereof notwithstanding.

Provided always, and it is hereby enacted and declared, That Lands chargeable to the Roads, to continue so. if it shall appear to the said Trustees, or any Five or more of them, that any Lands, Tenements, or Hereditaments, or any Rents or Profits issuing out of any Lands, Tenements, or Hereditaments, now are, or hereafter shall be liable and chargeable

chargeable towards the repairing and amending the said Roads, or any Part thereof, by this Act directed to be repaired, such Lands, Tenements, and Hereditaments, shall still remain liable and chargeable; and the Possessors or Occupiers of such Lands, Tenements, and Hereditaments, are hereby required and directed to pay such Rents and Profits to such Person or Persons as the said Trustees, or any Five or more of them, shall appoint to receive the Tolls and Duties hereby granted; and upon Default of Payment thereof, it shall and may be lawful to and for the said Trustees, or any Five or more of them, by Warrant under their Hands and Seals, to levy the same by Distress and Sale of the Goods of such Person or Persons as shall neglect or refuse to make such Payment as aforesaid; and such Rents and Profits, when recovered and received, shall be applied, from time to time, for such Purposes as the

the said Tolls and Duties, and the Money to be borrowed on the Credit thereof, is in and by this Act directed to be applied and disposed of.

Provided also, and be it further enacted and declared by the Authority aforesaid, That all and every Person and Persons who by Law are obliged to do Statute-work, or are chargeable towards the repairing and amending the said Roads, or any Part thereof, shall still remain chargeable, and do their respective Days Works, in such Manner as he, she, or they was or were obliged to do, or ought to have done, before the passing of this Act; any thing herein before contained to the contrary thereof notwithstanding.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the Highways of and for the several Parishes or Townships in which the said Roads do lie, shall

Persons chargeable to the Repairs of the Road, to continue so.

Surveyors to give in Lists yearly, of Persons chargeable to the Repairs of the Road.

yearly

yearly, and every Year, during the Continuance of this Act, within Ten Days after Demand made to them respectively in Writing by the Surveyor or Surveyors appointed or to be appointed by virtue and in pursuance of this Act, give in and deliver to such Turnpike Surveyor or Surveyors, an exact List or Account in Writing, under his or their Hand or Hands, of the Christian and Surname of all and every Person and Persons in the said respective Parishes, Townships, or Places, and shall set forth and specify in such List what each Person is respectively chargeable with, for, and towards the same; and the said Parochial or Town Surveyor or Surveyors, for the time being respectively, within Two Days after Notice shall be given them by the respective Turnpike Surveyor or Surveyors, of the Time when, and how many of the Persons so chargeable, as aforesaid, he would have

have to do such their respective Statute or Days Work, so adjudged or appointed as aforesaid, in or upon any Part of the said Roads, shall summon or give Notice thereof to the Person or Persons so chargeable as aforesaid; and if any Parochial or Town Surveyor or Surveyors aforesaid shall neglect or refuse to do as he or they are hereby required and directed, he or they, for every such Neglect or Refusal, shall forfeit and pay the Sum of Five Pounds; and if any Person or Persons keeping a Team or Teams, Draught or Draughts, Cart or Carts, and chargeable to wards repairing the said Roads, shall, after such Summons or publick Notice, neglect or refuse to send their respective Teams, Draughts, or Carts, each Team or Cart not to contain less than Four good Horses, or Beasts of Draught, with One Person to attend the same, to do and perform such their respec-

Penalty
on Sur-
veyors
Neglect.

Penalty
on Per-
sons neg-
lecting to
perform
Statute-
work.

Penalty
on La-
bourers
Neglect.

Persons
found
idle, to be
turned
off.

respective Days Work on the said Roads, he, she, or they so neglecting or refusing, shall respectively forfeit and pay the Sum of Five Shillings for every Team, Draught, or Cart making Default each of the said respective Days; and if any Labourer, or other Person or Persons so chargeable towards repairing the said Roads, shall, at any Time, neglect or refuse (after such Summons or Notice) to do or perform the said appointed Days Work on the said Roads, he, she, or they shall respectively forfeit and pay the Sum of One Shilling for each of the said Days such Labourer or other Person or Persons shall make Default; and if any Person or Persons who shall, according to such Summons or publick Notice as aforesaid, come to work as Labourers, or be sent with any Team, Draught, or Cart to work on the said Roads, are found idle or negligent by the said Turnpike

Turnpike Surveyor or Surveyors respectively, where the Work is to be done, in such Case the same Surveyor or Surveyors may, and is and are hereby impowered and required to remove and turn him or them off who shall be found idle or negligent as aforesaid, and it shall be esteemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work on the said Roads, and he, she, or they shall be subject and liable to the respective Forfeitures and Payments aforementioned, as if he, she, or they had neglected or refused to do or perform the said respective Days Work so ordered and appointed as aforesaid.

And, for preventing Differences which may arise between the said Trustees and the Surveyors of the Highways for the time being, for the several Parishes or Places through which the Roads aforesaid

Trustees
may ap-
point
what Pro-
portion of
Statute-
work
shall be
done up-
on the
Roads by
each In-
habitant.

said do lead, touching what Part of the Statute-work in the Parish, Township, or Place, ought to be done in the Roads by this Act directed to be repaired; **be it further enacted** by the Authority aforesaid, That it shall and may (yearly, and every Year, during the Continuance of this Act) be lawful for any Nine or more of the said Trustees, at any of their publick Meetings, upon Application made to them by the said Turnpike Surveyor or Surveyors, to adjudge and appoint what Part or Proportion of the said Statute-work shall be done upon the Roads aforesaid, by the Inhabitants of each or any of the Parishes, Townships, or Places, in which the said Roads hereby directed to be amended do lie, so that the same shall not in the whole exceed Three Days Statute-work to be done by any One Township, Parish, or Place, and so as the same be not directed to

to be done in Hay-time or Harvest.

And, to the Intent that proper Persons may be impowered to compound for Statute-work, and agree with the Trustees for repairing the said Roads, for a Sum of Money to be paid by any of the Parishes, Townships, or Divisions, through which the said Roads do lead, in lieu of their Statute-work to be done on the said Road; be it further enacted by the Authority aforesaid, That from and after the Twenty fourth Day of June, One thousand seven hundred and fifty three, it shall and may be lawful to and for the said Surveyor or Surveyors of the Highways of any of the said Parishes, Townships, or Divisions (by and with the Consent of the Inhabitants of such Parishes, Townships, or Divisions, or the major Part of them, first had at any Vestry or other publick Meeting of the Inhabitants)

Surveyors may compound with the Trustees.

Surveyors paying the Composition-money, how to be reimbursed.

to compound and agree with the said Trustees, or any Five or more of them, as aforesaid, from Year to Year, during the Continuance of this Act; and if such, or any future Surveyor or Surveyors, shall pay such Composition-money, or the same shall be levied upon him or them, he or they so paying, or on whom the same shall be levied, shall be reimbursed the Money so by him or them paid, or levied on him or them, in such Manner as Surveyors of the Highways for the time being are by the Laws now in being to be reimbursed the Money by them laid out and expended in buying Materials for repairing the Highways.

Penalties to be recovered by Distress and Sale.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures by this Act imposed or incurred, touching which no Provision is herein made, shall be recovered and levied by Distress and Sale of the Offenders

Goods

Goods and Chattles, by Warrant or Warrants under the Hands and Seals of Two or more of the said Justices of the Peace, which Warrant or Warrants the said Justices are hereby impowered and required to issue, upon the Information of One or more credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby impowered and required to administer without Fee or Reward) and the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any be) to the Party or Parties whose Goods and Chattles shall be so distrained and sold (the Charges of such Distress and Sale being first deducted) shall go, be applied, and laid out (if not otherwise applied and disposed of by this Act) for and towards amending the said Roads.

Applica-
tion of
the Pe-
nalties.

Provided always, and be it further enacted by the Authority aforesaid, That in case any Collector or Collectors, Receiver or

Persons
aggrieved
may ap-
peal to
the Quar-
ter Ses-
sions.

Receivers, or other Person or Per-
sons, shall think him, her, or them-
selves aggrieved by any thing done
in pursuance of this Act, it shall
and may be lawful for him, her, or
them, within the Space of Six
Months, to appeal to the said Ju-
stices of the Peace at their next
General Quarter Sessions to be
held for the Riding, Liberty, or
Place wherein the Cause of Com-
plaint shall arise, who are hereby
authorized and required to take
Cognizance thereof, and to hear
and determine the Complaint or
Complaints of any Person or Per-
sons so aggrieved, in a summary
Way; and, if they see cause, shall
and may, by Order of such Ses-
sions, mitigate, at their Discretion,
all or any of the Penalties or For-
feitures laid on or incurred by the
Party or Parties complaining, or
vacate or set aside the Conviction
or Convictions, and set the Parties
at Liberty, or otherwise may satisfy
and

and confirm the same, with such Costs as to them, in their Discretion, shall seem reasonable; and to levy, by their Order or Warrants, such Costs so awarded, by Distress and Sale of the Goods and Chattles of any Person or Persons who shall refuse to obey the same; and for want of such sufficient Distress, to commit the Party to the Common Gaol for the County of *York* for any Time not exceeding Three Months, or until Payment of such Costs shall be made; and the Person so appealing as aforesaid, shall, and they are hereby directed to give Notice in Writing to the said Treasurer or Treasurers for the time being, of such their Intention of bringing or prosecuting any Appeal, Fourteen Days before the said Quarter Sessions; and shall within Five Days after such Notice given, enter into a Recognizance before some Justice of the Peace within the Riding, Liberty, or Place, where

14 Days Notice to be given of such Appeal;

and Recognizance entered into.

F 3

the

the said Offence was committed, with sufficient Sureties, with Condition to try such Appeal at the Quarter Sessions of the Peace, which shall be held next and immediately after the bringing such Appeal; and every such Appeal shall, at the then next General Quarter Sessions, be there heard, and finally determined.

Proceed-
ings not
to be
quashed
for want
of Form
only;

Provided always, and be it further enacted by the Authority aforesaid, That no Order made touching or concerning any of the Matters aforesaid, or any other Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only; or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any thing herein contained to the contrary notwithstanding.

nor re-
moveable
by *Cer-
tiorari*.

And

And it is hereby further enacted by the Authority aforesaid, That this Act, and all the said several Tolls or Duties hereby granted and made payable, and all other the Powers hereby given and granted, shall take Place and have Continuance from and after the Twenty fourth Day of *June*, One thousand seven hundred and fifty three, for and during the Term of Twenty one Years, and from thence to the End of the then next Session of Parliament: But if at any Time before the Expiration of the said Term of Twenty one Years, the said Roads shall be sufficiently amended and repaired, and so adjudged by the said Justices of and for the North Riding of the said County at their General Quarter Sessions of the Peace next after *Easter*, that then, and from and after such Adjudication made, and Repayment of all such Money as shall have been borrowed on the

Com-
mence-
ment and
Continu-
ance of
the Tolls,
&c.

But if at
any Time
before the
Expira-
tion of
the said
Term,
the Roads
shall be
sufficient-
ly a-
mended,
and the
Money
borrow-
ed re-
paid, the
Tolls
shall
cease.

Credit of the faid Tolls and Duties hereby granted, with the Interest for the fame, and the Costs and Charges thereof, and of obtaining this Act of Parliament, and all other the Charges and Expences attending the Execution of this Act, the aforefaid Tolls and Duties fhall ceafe and determine; any thing herein contained to the contrary notwithstanding.

Trustees
may
farm-lett
the Tolls.

And be it further enacted by the Authority aforefaid, That it fhall and may be lawful to and for the Trustees, or any Seven or more of them, from time to time, by any Writing under their Hands and Seals, to demise, leafe, and to farm-lett the Tolls or Duties by this Act granted, or any Part of fuch Tolls or Duties, to any Person or Persons, from Year to Year, or for any Term of Years, not exceeding Seven Years, for the beft Price fuch Trustees can get, payable at fuch Times, and under fuch Covenants, and with fuch Security for the Payment thereof,

as they the said Trustees, or any Seven or more of them, shall think fit; and to be paid to the said Trustees, or any Seven or more of them, or to such Person or Persons as they, or any Seven or more of them, shall appoint to receive the same; which Money, so to be paid, shall be applied and disposed of as the Tolls or Duties granted by this Act are respectively directed to be applied and disposed of.

And, for the continuing a sufficient Number of Trustees, for putting in Execution all and every the Powers and Authorities hereby given, directed, and appointed; be it further enacted by the Authority aforesaid, That when, and as often as any Trustee or Trustees shall die, it shall and may be lawful for such of the said Trustees, as shall survive and remain, or any Seven or more of them, by any Writing or Writings under their Hands, from time to time, during the

When
any Trustee shall
die, or
others to
be chosen.

the Continuance of this Act, to elect, nominate, and appoint One or more fit Person or Persons, living in the said County of *York*, qualified to act as a Trustee or Trustees, according to the Directions of this Act, in the Room or Place of such Trustee or Trustees so dying; and such Person or Persons, so elected, nominated, and appointed, shall be joined with such surviving or remaining Trustees, in the Execution of all and every the Powers in them reposed by virtue of this Act; but Notice of the Time and Place for the Meeting, for the Election of all and every such new Trustee or Trustees shall be given by the Clerk to the said Trustees, for the time being; who is hereby required to fix or cause to be fixed such Notice in Writing, at or on all the Turnpike-gates which shall be erected by virtue of this Act, at least One Month before the Meeting for such Election:

1 Month's
Notice to
be given
of Elec-
tion of
new Tru-
stees.

Election: And all and every such Person or Persons, as shall be chosen and appointed to be joined with such surviving or remaining Trustees, shall and may, and he and they are hereby authorized and impowered to act, being qualified as this Act requires, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees nominated by this Act are authorized and impowered.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Seven or more of them, shall meet at the House of *Richard Lancaster*, known by the Sign of the Duke of *Marlborough's* Head, in the Town of *Easingwold* aforesaid, on the Twenty fifth Day of *June*, One thousand seven hundred and fifty three; and shall from thence adjourn themselves, and shall afterwards meet at the Place aforesaid,

Time
and Place
of Tru-
tees
Meeting.

or

10 Days
Notice to
be given
of ad-
journd
Meet-
ings.

or at any other Place or Places in or near the said Roads so to be repaired, as the said Trustees, or any Seven or more of them, shall think proper or convenient, as often as it shall be necessary for putting in Execution the Powers herein granted and given: And if it shall happen that there shall not appear at any Meeting, which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day; then, and in such Case, the Clerk to the said Trustees, by Notice in Writing under his Hand, to be fixed at or on all the said Turnpike-gates to be erected by virtue of this Act, at least Ten Days before the next Meeting, shall appoint the said Trustees to meet at the House, where the Meeting of the said Trustees was last appointed to be held, on that Day Three Weeks on which such last Meeting

was appointed to have been held; and that the said Trustees, at their First, and all their subsequent Meetings, shall defray their own Charges and Expences.

Trustees
shall defray
their own
Expences

Provided always, and be it further enacted and declared, That no Person or Persons, appointed, or to be appointed by this Act, a Trustee or Trustees for putting this Act in Execution, shall have or accept of any Place of Profit arising out of, or by reason of any Toll or Duty by this Act laid or granted; but such Person or Persons shall be incapable of acting as a Trustee or Trustees, from the Time of accepting, and during the Enjoyment of such Place of Profit as aforesaid; nor shall any Victualler, or Retailer of Beer, Ale, or any Spirituous Liquors whatsoever, be capable of holding or enjoying any Office or Place under the said Trustees.

Trustees
not to ac-
cept of
any Place
of Profit
arising
from the
Tolls.

Provided

Roads to
be mea-
sured,
and Mile-
stones
erected.

Penalty
on Per-
sons de-
facing
Mile-
stones,

**Provided also, and it is here-
by further enacted,** That the se-
veral Trustees, or any Five or
more of them, shall and may, and
they are hereby required to cause
the said Roads to be measured,
and Stones or Posts to be thereon,
or in or near the Sides thereof
erected; each Stone or Post at the
Distance of One Mile each from
the other, and upon which shall
be denoted the Distances of any
One Town or Place from any
other Town or Place, as to the
said Trustees shall seem meet : And
if any Person or Persons shall vo-
luntarily or maliciously break or
pull up any of the Stones or Posts,
or any Part thereof, which shall
be so erected and set up; or shall
obliterate or deface any of the
Words, Letters, Figures, or
Marks, which shall be engraved
or inscribed thereon, and shall be
convicted thereof by the Confes-
sion of the Party, or by the Oath
of

of One or more Witness or Witnesses, before the Trustees, or any Five or more of them, or before One or more such Justice or Justices (which said Oath any Three or more of the said Trustees, or the said Justice or Justices, are and is hereby impowered and required to administer) every such Person so offending, and being thereof convicted as aforesaid, shall respectively forfeit and pay the Sum of Forty Shillings for each Stone or Post, so voluntarily and maliciously broken, pulled up, obliterated, or defaced, to be levied by Distress and Sale of the Goods and Chattles of every such Offender, by Warrant or Warrants under the Hand and Seal, or Hands and Seals of the said Trustees, or any Five or more of them, or of any Justice or Justices, before whom such Conviction shall be made in pursuance hereof; One Fourth Part of such

to be levied by Distress and Sale.

For want
of Di-
stres, Of-
fender to
be com-
mitted to
House of
Correc-
tion.

such Forfeitures to be paid to and
for the Use of the Informer, and
the Residue to be applied in re-
pairing the Stones or Posts broken
or delaced, or in supplying new
ones in their Stead; and if there
shall be any Overplus thereof, the
same shall be laid out in repairing
the said Roads; but in case no
sufficient Distres can be found,
whereby to levy the same, that it
shall and may be lawful for the
said Trustees, or any Five or more
of them, or any One or more of
such Justice or Justices, by War-
rant under their Hands and Seals,
or Hand and Seal, to commit the
Person or Persons so offending, to
any House of Correction within
the said County of York, to be
there kept to hard Labour, for
any Time not less than the Space
of One Month, nor exceeding
Three Months, or until he, she,
or they shall have fully paid the
Money which he, she, or they
shall

shall have forfeited, or be liable to pay on such Conviction as aforesaid.

Provided also, and be it further enacted by the Authority aforesaid, That no Nomination, Appointment, Information, Oath, Judgement, Conviction, Warrant, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals of, or only signed by any Trustee or Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or exhibited before them, or any of them, touching, concerning, or in Execution of any Power or Authority hereby vested in such Trustees or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp Duty whatsoever.

Nomina-
tions, &c.
to be
without
Stamps.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby required to take such Security from the Treasurer

Treasu-
rers to
give Se-
curity.

surer or Treasurers to be appointed for the Purposes of this Act, for the due Execution of his said Office, as to the said Trustees, or any Five or more of them, shall seem meet.

Act 24.
Geo. II.

And whereas by an Act passed in the Twenty fourth Year of the Reign of His present Majesty, intituled, *An Act for the more effectual Preservation of the Turnpike Roads in that Part of Great Britain called England, and for the Disposition of Penalties given by Act of Parliament relating to the Highways in that Part of Great Britain called England, and for enforcing the Recovery thereof, and for the more effectual preventing of Mischiefs occasioned by the Drivers riding upon Carts, Drays, Carrs, and Waggon*s in the City of London, and within Ten Miles thereof, certain Powers, Authorities, and Remedies, for demanding, collecting, receiving, and levying the additional Tolls

or

or Duties, Penalties and Forfeitures, thereby inflicted and made payable, are vested in the Trustees or Commissioners appointed, or then after to be appointed by any Acts of Parliament, in that Part of *Great Britain* called *England*, in their respective Districts: **Now** to prevent any Doubts that may arise touching the Construction of the said Act; it is hereby further enacted and declared by the Authority aforesaid, That the said Act, and all and every the Clauses therein contained, shall be deemed, adjudged, and taken to extend to the Highways and Roads in and by this Act directed to be repaired, in the same Manner as if the same had been Turnpike Roads before the passing of the said Act; and that all and every the Carriers and Waggoners, travelling or using the said Roads, hereby directed to be repaired, shall incur and be liable to the like Penalties, Forfeitures,

The recited Act to extend to the Roads herein directed to be repaired;

and Waggoners, &c. using the same, to be liable to the like Penalties and additional Tolls,

feitures, additional Tolls and Duties, as by the said Act of the Twenty fourth Year of His present Majesty are inflicted, imposed, or made payable; and that the same Tolls, Duties, Forfeitures, and Penalties, and all Powers, Authorities, and Remedies, for the receiving, recovering, or levying the same, shall be, and are hereby vested in the several Trustees and Commissioners appointed, and to be appointed by virtue of this Act, in as full and ample a Manner, as if the said Roads or Highways, hereby directed to be repaired, had been Turnpike Roads before the passing of the said Act; any thing therein to the contrary contained, in any wise notwithstanding.

Limita-
tion of
Actions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any thing to be done in pursuance of

this Act, every such Action or Suit shall be brought within Three Months next after the Fact committed, and not afterwards; and shall be laid and brought in the said County of *York*, and not elsewhere; and the Defendant or Defendants in such Action or Suit to be brought, shall and may plead the General Issue, not Guilty, and give this Act and the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in Pursuance and by the Authority of this Act: And if the same shall appear so to be done, or that such Action or Suit shall be brought in any other County, Place, or Places, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuited, or discontinue his Action, after the Defendant or Defendants shall have appeared; or if upon Demurrer, Judgement shall be given against the

General
Issue.

Treble
Costs.

the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for the same, as any Defendant or Defendants hath or have in any Case by Law.

Publick
Act.

And be it further enacted by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

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